

mandatory in August 1973. MSHA will consider all timely submitted comments before taking final action on the PPL.

Draft Policy

Background

Standard 56/57.18010, First Aid Training, states, "Selected supervisors shall be trained in first aid. First aid training shall be made available to all interested employees."

The intent of the standard is to provide first aid capability at each mine so that timely and appropriate treatment may be given in the event a miner is injured. Questions raised by industry and labor indicate that compliance and enforcement guidance is needed to clarify the requirements of the regulation. In a recent five year period, more than 2,200 violations of the standard have been cited. Many of these citations were issued under circumstances where no one at the mine site had been given first aid training. Therefore, MSHA is considering issuing a PPL on this subject. It is MSHA's policy that a sufficient number of supervisors must be selected and trained to ensure that a responsible person is available to administer first aid at the mine site on all working shifts.

Selected Supervisors To Be Trained

Selected supervisors can include shift bosses, foremen, superintendents, or other designated individuals in a supervisory position. In order to provide first aid assistance to sick or injured employees, trained supervisors should be selected to provide coverage on each working shift.

Course Content

The word "trained" refers to a performance capability. A person trained in first aid must be able to provide the necessary level of treatment consistent with accepted first aid practices. The first aid course for supervisors, therefore, should include, at a minimum, the following fundamental topics which are consistent with those of nationally recognized courses: patient assessment, artificial ventilation, control of bleeding, control of shock, wounds and dressings, burns and scalds, musculoskeletal injuries, and handling and transportation.

Accepted Courses

Training courses which include the fundamentals identified above, and are sponsored or sanctioned by a recognized organization (American Red Cross, National Safety Council, etc.) meet the requirements of 30 CFR 56/57.18010. First aid training conducted by MSHA-

certified instructors also meets the requirements of the standard, provided that the topics, as detailed above, are included in the course. 30 CFR Part 48 training requirements address only a limited form of first aid training for all miners and, therefore, is unacceptable for compliance with 30 CFR 56/57.18010.

A certificate of course completion provided by the trainer or the recognized training organization, or a written statement by the mine operator certifying course completion, will serve as evidence to MSHA of current training.

Refresher Training

In order for first aid capability to remain effective, it is necessary for persons who have received the training to maintain an adequate competency level and, thus, remain "trained." Refresher training prevents the loss or diminution of competency over a period of time. When a recognized course is used to comply with the standard, retraining should be conducted within the recommended frequency and course content established by the providing organization.

Availability Of Training For Employees

Availability of training for interested employees may be announced by posting the course schedule on the mine bulletin board, or by notifying employees through other means. The course should be given at a location and time convenient to employees.

Dated: February 16, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

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Examination of Working Places

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: The Mine Safety and Health Administration (MSHA) is voluntarily requesting comments on a draft Program Policy Letter concerning examination of working places which is required by 30 CFR 56/57.18002.

DATES: Written comments must be submitted on or before April 1, 1995.

ADDRESSES: Send written comments to Administrator, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Boulevard, Room 728, Arlington, Virginia 22203, Fax: 703-235-9173. Commenters are encouraged to send comments on a computer disk along

with their original comments in hard copy.

FOR FURTHER INFORMATION CONTACT:

Roderick Breland, Chief, Division of Safety, Metal and Nonmetal Mine Safety and Health, 703-235-8480.

SUPPLEMENTARY INFORMATION: MSHA updates its policies for enforcement of safety and health regulations through Program Policy Letters (PPLs). These PPLs are Agency interpretations of what existing MSHA regulations require; they are not new regulations. Therefore, PPLs do not impose new requirements, but explain or clarify how regulations work or apply in a particular situation. These PPLs are used by MSHA inspectors, miners, mine operators, and mining equipment manufacturers as guidance in determining how best to comply with MSHA regulations. Once adopted, the policy statements are published in the MSHA program policy manual and given wide distribution.

To increase public participation on selected draft PPLs, MSHA is voluntarily requesting comments and suggestions from the public, especially from people who would be directly affected by the PPLs. By this notice, MSHA is requesting comments on a draft PPL concerning examination of working places, as required by 30 CFR 56/57.18002. These safety standards were first promulgated as advisory standards in July 1969 and became mandatory in August 1979. MSHA will consider all timely submitted comments before taking final action on the PPL.

Draft Policy

Background

Standard 56/57.18002, Examination of Working Places, contains the following requirements:

(a) A competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety or health. The operator shall promptly initiate appropriate action to correct such conditions.

(b) A record that such examinations were conducted shall be kept by the operator for a period of one year, and shall be made available for review by the Secretary or his authorized representative.

(c) In addition, conditions that may present an imminent danger which are noted by the person conducting the examination shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

The intent of the standard is to require regular close examination of the total mining environment to find and eliminate potential hazards caused by

unsafe conditions and practices that may be present. However, in a 5-year period, MSHA has investigated 17 serious and fatal accidents where working place examinations were not conducted or were inadequately conducted. In a significant number of these accidents, failure to conduct working place examinations was a contributing cause. Therefore, rigorous working place examinations are a fundamental accident prevention tool for the mining industry. The Federal Mine Safety and Health Act of 1977 (Mine Act) holds mine operators responsible for preventing the existence of unsafe conditions and practices and the correction of hazards before miners are exposed to them. MSHA is revising its policy concerning 30 CFR 56/57.18002 to better assure that operators conduct rigorous working place examinations.

Recordkeeping

The standard requires a record that working place examinations were conducted. Those records are required to be retained by the mine operator for one year, and made available to the Secretary of Labor or his authorized representative. MSHA has accepted annual certification of work place examinations as an alternative to the standard's recordkeeping requirement, when such certification is made available at the time of an inspection. However, given the serious and fatal accidents that have occurred, annual certification of work place examinations will no longer be accepted for compliance.

To be effective, work place examinations must be timely, made by a competent person, made in the areas where miners work, and hazardous conditions must be promptly corrected.

Therefore, for an operator to be in compliance, each working place examination record must include information essential and necessary to accomplish the intent of the standard: (1) the date and time the examination was made; (2) by whom the examination was made; (3) the area(s) examined; and (4) any hazardous conditions found. These records would need to be made available upon request to the Secretary's authorized representative.

Competent Person

A "competent person," according to 30 CFR 56/57.2, is " * * * a person having abilities and experience that fully qualify him to perform the duty to which he is assigned." This definition includes any person who is fully qualified to perform the assigned task. Examinations may be made by a mine foreman, a mine superintendent, another person associated with mine management, or a miner, provided the person is fully qualified to perform the task. Fully qualified means having had adequate experience in the task or having been trained in the recognition of hazards in the working place.

Working Place

The phrase "working place" is defined in 30 CFR 56/57.2 as " * * * any place in or about a mine where work is being performed." As used in the standard, the phrase applies to those locations in a mine or mill where persons work during a shift in the mining or milling processes. The working place for an individual assigned to perform maintenance or repair duties, for example, is the area where the individual performs the maintenance or repair work. For an operator to be in compliance, that area would need to be examined by a

competent individual for hazardous conditions and any hazardous conditions would need to be promptly corrected. A hazardous condition is any condition or practice which poses a risk of harm to a miner or could result in a violation of a mandatory health or safety standard.

Standard 56/57.18002 does not apply to access or other roads not directly involved in the mining process, administrative office building, parking lots, lunchrooms, toilet facilities, or inactive storage areas. Isolated, abandoned, or idle areas of mines or mills need not be examined, unless persons perform work in these areas during the shift.

Frequency of Examination

The standard requires working place examinations to be performed "at least once each shift." Although the standard permits the examination to be made at any time during the shift, MSHA strongly recommends in keeping with the remedial intent of the Mine Act and the standard that this examination be conducted before work begins on a shift or before work is performed in an area. To be in compliance with the standard, the mine operator must promptly initiate the correction of any hazardous conditions that are found. If an imminent danger is found during an examination, the operator must also withdraw all persons from the affected area except those necessary for the correction of the condition.

Dated: February 16, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

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